



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 303

Hearing Date: February 3, 2003

Committee On: Transportation and Telecommunications

Introducer(s): (Smith, Aguilar, Baker, Bourne, Burling, Connealy, Cudaback, Cunningham, Erdman, Jones, Mines, McDonald, Mossey, Quandahl, Redfield, Schrock, Stuthman, Tyson, Vrtiska)

Title: Adopt the Motorcycle Safety and Training Act

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

5	Yes	Senators Jones, Aguilar, Smith, Baker and Stuthman
2	No	Senators Brown and Dw. Pedersen
1	Present, not voting	Senator Hudkins
	Absent	

Proponents:

Senator Adrian Smith
James Gregg
Marvin Grove
John A. McDermott

Representing:

48th District
ABATE
ABATE of Nebraska
ABATE of Nebraska

Opponents:

Chuck Stepanek
Charles Gregorius, M.D.
Robert Lake
David Halen
James W. Billups, M.D.

Representing:

Nebraska Nurses Association
Nebraska Medical Association
Self
Self

Neutral:

John Fogerty
Beverly Neth

Representing:

Self
Department of Motor Vehicles

Summary of purpose and/or changes:

The bill provides an exemption from Nebraska's motorcycle helmet law for operators and passengers who are 21 and over, on or after January 1, 2005, provided they wear eye protection, carry proof of health insurance, and carry proof of successful completion of an approved motorcycle safety course. Operators and passengers under the age of 21 will continue to be required to wear helmets. The bill changes the name of the Motorcycle Safety Education Fund to the Motorcycle Safety and Training Fund on January 1, 2005. The bill would add \$5 to the motorcycle registration fee, beginning July 1, 2003 through December 31, 2004, to fund the Motorcycle Safety Education Fund. After January 1, 2005, the \$5 will remain to provide funds for use according to §60-2133.

Explanation of amendments, if any:

The amendment replaces the bill. The amendment increases the registration fee from July 1, 2003 to January 1, 2005 to \$16.50, with \$8 of that fee to go to the Motorcycle Education Fund. After January 1, 2005, \$5 shall go to the Motorcycle Education Fund. The amendment allows for waiver of the examination if requirements are met, establishes requirements for completion of the motorcycle safety course, and makes it a one point offense for failure to wear eye protection.

The amendment changes Nebraska statutes to not require the wearing of a helmet if the individual is 21, is equipped with eye protection, carries proof of health insurance and carries proof of successful completion of a motorcycle safety course. A person is exempt from wearing a helmet if they were born prior to January 1, 1984, are equipped with eye protection and carry proof of health insurance. Enforcement of this section may only be as a secondary offense.

A fee of fifty dollars shall be charged for a motorcycle safety course.

The bill provides penalties for violation of the Act. The bill establishes an effective date for Section 6 through 21, 23 and 25 of January 1, 2005. Other sections become operative on their effective date.

Senator Tom Baker, Chairperson